



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTOX
ATTORNEY GENERAL

December 7, 1990

Mr. G. Michael Gruber
Jackson & Walker
Attorney for Texas High-
Speed Rail Authority
901 Main Street, Suite 6000
Dallas, Texas 75202-3797

OR90-572

Dear Mr. Gruber:

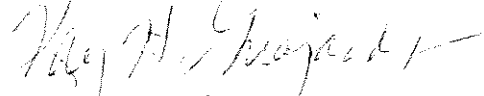
You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 10152.

On June 6, 1990, the executive director of the Texas High-Speed Rail Authority [hereinafter the authority] received a request for certain information pursuant to the Open Records Act. You requested a decision from this office on whether the information is excepted from disclosure on July 19, 1990. Under section 7(a) of the Open Records Act, if a decision is not requested within 10 days, the information is presumed to be public. See Open Records Decision No. 473 (1987). A governmental body must show a compelling reason to overcome this presumption. See Open Records Decision No. 319 (1982).

You assert that a legal opinion prepared by the counsel for the authority is protected from disclosure based on section 3(a)(1) and the attorney-client privilege. The attorney-client privilege is applicable to any correspondence between a governmental body and its attorney that contains legal advice or opinion. See Open Records Decision No. 380 (1983). We agree that the attorney-client privilege applies to the legal opinion prepared by the authority's counsel; therefore, the legal opinion is confidential based on section 3(a)(1) of the Open Records Act. The fact that information is deemed confidential by some other source of law establishes a compelling reason to withhold the information. See Open Records Decision Nos. 150 (1977); 26 (1974) (copies enclosed). Accordingly, you must withhold the opinion; the remainder of the information in the request is public.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-572.

Yours very truly,



Kay H. Guajardo
Assistant Attorney General
Opinion Committee

KHG/le

Ref.: ID# 10152

Enclosure: Open Records Decision Nos. 380, 150, 26
Documents Submitted